



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,387	05/25/2000	Hidehiko Kando	29284/504	6130

7590 06/18/2004  
Edward W Greason Esq  
Kenyon & Kenyon  
One Broadway  
New York, NY 10004

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
2653	

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/578,387

Applicant(s)

KANDO ET AL.

Examiner

Aristotelis M Psitos

Art Unit

2653

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see note 2.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see note 5.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: all.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: see note 10

Aristotelis M Psitos  
Primary Examiner  
Art Unit: 2653



Continuation of note 2: Applicants' amendments to the claims, alters the scope of the invention previously examined and searched. Such amendments necessitate a NEW SEARCH (e.g., the broadening of the scope of claim 1 at least). Such is not performed at the present time juncture under present USPTO practice. If applicant desires such a scope, then the examiner strongly recommends the filing of an RCE to ensure a proper search with respect to the new broaden scope.

Note 5 continued: Applicant's arguments are not persuasive, especially because the amendments to the claims have not been entered. Furthermore, with respect to the arguments focusing upon the wobble frequency with respect to generating of the clock, it is noted that the claims imply such a reproduction and that because the primary reference is drawn to an a/v recorder, the examiner has interpreted such as a dvd formatted signal. As acknowledged by applicant such dvd formats include the wobble signal presence and detection. As is known such detection is required in order to insure not only proper motor control but also used in order to generate the clock signal(s) for both recording and reproducing.

Note 10 continued: With respect to the newly submitted drawings and disclosure thereto, the examiner has cursory reviewed such, and has not been able to conclude whether such is new matter or not. This would required more than a cursory review of the specification and claims and not performed/permitted at this stage of the prosecution under present USPTO practice. The examiner regrets such, nevertheless, such a review would entail an in depth review of the disclosure/claims. It does appear that such submissions do correct for the drawing objections.

With respect to the 112 objections, the amendments appear to overcome such, however, it is not clear whether such amendments would not further impact upon the dependent claims. The amendment to claim 1 does overcome the objections to claims 2-4.